



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,781	07/12/2001	John Border	PD-201022	1488

29158 7590 01/04/2006

BELL, BOYD & LLOYD LLC
P. O. BOX 1135
CHICAGO, IL 60690-1135

EXAMINER

NAWAZ, ASAD M

ART UNIT PAPER NUMBER

2155

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,781

Applicant(s)

BORDER, JOHN

Examiner

Asad M. Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-12, 14-30 and 32-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12, 14-30 and 32-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to the RCE filed 9/27/05. Claims 4, 13, 22, 31, and 37-40 have been canceled. Claims 1-3, 5-12, 14-21, 23-30, and 32-36 have been amended. Accordingly, claims 1-3, 5-12, 14-21, 23-30, and 32-36 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-12, 14-21, 23-30, and 32-36 are rejected under 35 U.S.C. 103(a) as being anticipated by Kloth (USPN 6,598,034) further in view of Schroeder et al (USPN 6,327,626).

As to claim 1, Kloth teaches a method of transmitting information in a communication system that includes a platform and a prioritization apparatus, the method comprising: receiving the information from the platform, wherein the platform is configured to provide a plurality of performance enhancing functions relating to performance of the communication system; (Abstract; col 3, lines 62 to col 4, line 26)

Receiving one or more prioritization parameters from the platform, the prioritization parameters being associated with the performance enhancing functions,

wherein the prioritization apparatus maintains a profile that contains the prioritization parameters; (Fig 4; col 3, lines 62 to col 4, line 26; col 6, lines 13-67)

Processing the information in accordance with the profile (col 2, line 58- col 3, line 14)

However, Kloth does not explicitly indicate the performance enhancing functions including a spoofing of a connection for transport of the information by selectively intercepting the information and modifying the information, the spoofed connection being prioritized among a plurality of spoofed connections.

Schroeder et al teaches spoofing of a connection for transport of the information by selectively intercepting the information and modifying the information, the spoofed connection being prioritized among a plurality of spoofed connections (abstract; Fig 2; col 2, lines 6-16 and 52-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Schroeder et al into those of Kloth in order to make the system more efficient. It is known in the art that the utilization of TCP spoofing improves performance over impaired links.

Claims 10, 19, and 28 are rejected for essentially being the system, apparatus, and computer readable media, respectfully, of method claim 1.

As to claim 2, Kloth teaches the method of claim 1, further comprising:
determining a path for the information based on the profile. (col 2, line 58- col 3, line 14)

Claims 11, 20, and 29 are rejected for essentially being the system, apparatus, and computer readable media, respectfully, of method claim 2.

As to claim 3, Kloth teaches the method of claim 2, wherein the information is transported via one or more packets, the method further comprising: determining the path by applying at least one priority rule that specifies a criterion associated with the packet, the criterion indicating a source address, a destination address, a protocol type, a port number, a differentiated services parameter, or size of the packet. (Figs 5 and 11; col 3, lines 15-39)

Claims 12, 21, and 30 are rejected for essentially being the system, apparatus, and computer readable media, respectfully, of method claim 3.

As to claim 5, Kloth teaches the method of claim 1, wherein a priority of the information is determined prior to receipt by the prioritization apparatus. (col 3, line 62- col 4, line 26)

Claims 14, 23, and 32 are rejected for essentially being the system, apparatus, and computer readable media, respectfully, of method claim 5.

As to claim 6, Kloth teaches the method of claim 1, further comprising: determining whether the information should be forwarded using an alternate path. (col 4, lines 38-61)

Claims 15, 24, and 33 are rejected for essentially being the system, apparatus, and computer readable media, respectfully, of method claim 6.

As to claim 7, Kloth teaches the method of claim 1, further comprising: receiving the prioritization parameters as a data structure from the platform. (Abstract; col 9, lines 6-24)

Claims 16, 25, and 34 are rejected for essentially being the system, apparatus, and computer readable media, respectfully, of method claim 7.

As to claim 8, Kloth teaches the method of claim 1, further comprising: receiving the prioritization parameters from the platform at start-up or when the platform receives updated path selection or path activation parameters. (Col 4, lines 38-61)

Claims 17, 26, and 35 are rejected for essentially being the system, apparatus, and computer readable media, respectfully, of method claim 8

As to claim 9, Kloth teaches the method of claim 1, further comprising: applying multiple prioritization rules using boolean operators. (col 3, lines 15-39)

Claims 18, 27, and 36 are rejected for essentially being the system, apparatus, and computer readable media, respectfully, of method claim 9.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMN


SALEEM NAJJAR
SUPERVISORY PATENT EXAMINER